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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/015,738

12/12/2001

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04/02/2008

EXAMINER

ZECHER, MICHAEL R

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/015,738

Applicant(s)

LUTNICK ET AL.

Examiner

MICHAEL R. ZECHER

Art Unit

3691

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

Michael R. Zecher
Art Unit #3691

The final rejection is maintained.

Amendments to the Claims

1. (currently amended) A method for trading, the method comprising the steps of:
providing, from a computer-based system designed to provide information about a secondary market for a plurality of futures contracts, in which the futures contracts are based on underlying obligations of a structure in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor, indications designed to permit secondary trading between current holders of the futures contracts and prospective holders of the futures contracts.

2. (previously presented) The method of claim 1, in which the at least one futures contract comprise at least one a futures contract fund.

3. (previously presented) The method of claim 1, further comprising executing a trade of the at least one futures contract.

4. (previously presented) The method of claim 1, further comprising providing an indication of at least one term of the at least one futures contract.

5. (previously presented) The method of claim 1, further comprising providing an indication of a trading status of the at least one futures contract.

6. (previously presented) The method of claim 1, further comprising providing data related to the at least one futures contract.

7. (currently amended) A computer-readable medium having computer-executable instructions for performing a method comprising:

causing a system designed to provide information about a secondary market for a plurality of futures contracts, to provide indications designed to permit secondary trading between current holders of the futures contracts and prospective holders of the futures

contracts, in which the futures contracts are based on underlying obligations ~~of a structure~~ in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor.

8. (previously presented) The method of claim 1, further comprising providing analysis tools related to the at least one futures contract.

9. (currently amended) A computer-readable medium having computer-executable instructions for performing a method comprising:

causing a system designed to provide information about a secondary market for a plurality of futures contracts to allow access to a listing of futures contracts, to allow selection of the at least one futures contract from the listing, and to facilitate a trade including the at least one futures contract, in which the futures contracts are based on underlying obligations ~~of a structure~~ in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor.

10. (currently amended) A method for trading, the method comprising the steps of:

accessing a listing of futures contracts associated with a computer-based system designed to provide information about a secondary market for a plurality of futures contracts that includes, in which the futures contracts are based on underlying obligations ~~of a structure~~ in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor;

selecting the at least one futures contract from the listing, and
executing a trade including the at least one futures contract.

11. (currently amended) A computer-readable medium having computer-executable instructions for performing a method comprising:

causing a system to standardize at least one term related to a plurality of futures contracts for a secondary market of futures contracts, in which the futures contracts are based on underlying obligations of a structure in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor.

12. (previously presented) The method of claim 10, wherein the at least one futures contract includes a futures contracts fund.

13. (previously presented) The method of claim 1, in which the future performance includes at least one of a sport performance and an artistic performance.

14. (previously presented) The method of claim 10, further comprising viewing a term of the at least one futures contracts.

15. (previously presented) The method of claim 10, in which the future performance includes at least one of a sport performance and an artistic performance.

16. (previously presented) The method of claim 21, wherein the at least one term includes at least one of a term of the at least one futures contract.

17. (previously presented) The method of claim 10, further comprising: utilizing analysis tools related to the at least one futures contract.

18. (previously presented) The method of claim 1, wherein making the future payment includes making a payment to the obligor at a date identified by the at least one futures contract.

19. (previously presented) The method of claim 10, wherein executing the trade includes matching of a buy offer and a sell offer.

20. (currently amended) The method of claim 21, wherein the at least one term includes at least one of a term of the ~~structure of~~ obligations.

21. (currently amended) A method for standardizing information, the method comprising the steps of: standardizing, by a computer-based system, at least one term related to a plurality of futures contracts for a secondary market, in which the futures contracts are based on underlying obligations ~~of a structure~~ in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor.

22. (previously presented) The method of claim 10, wherein making the future payment includes making a payment to the obligor at a date identified by the at least one futures contract.

23. (previously presented) The method of claim 21, further comprising categorizing the plurality of futures contracts.

24. (currently amended) A method comprising the steps of:
providing an indication of a futures contract to a computer-based system designed to provide information about a secondary market for a plurality of futures contracts, in which the futures contracts is based on underlying obligations ~~of a structure~~ in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor.

25. (previously presented) The method of claim 24, in which the future performance includes at least one of a sport performance and an artistic performance.

26. (currently amended) A computer-readable medium having computer-executable instructions for performing a method comprising:

causing the system to provide an indication of a futures contract to a computer-based system designed to provide information about a secondary market for a plurality of futures contracts, in which the futures contracts are based on underlying obligations of a structure in which the futures contract obligates a holder of the futures contract to make a future payment obligation of an obligee to an obligor and entitles the holder to control a future performance obligation of the obligor; and

a processor configured to execute the instructions.

27. (previously presented) The method of claim 26, in which the future performance includes at least one of a sport performance and an artistic performance.

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